

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Fixed and Mobile Services in the Mobile)	ET Docket No. 10-142
Satellite Service Bands at 1525-1559 MHz)	
and 1626.5-1660.5 MHz, 1610-1626.5 MHz)	
and 2483.5-2500 MHz, and 2000-2020 MHz)	
and 2180-2200 MHz)	

OPPOSITION OF GLOBALSTAR, INC.

Globalstar, Inc. (“Globalstar”) hereby opposes the May 27, 2011 Petition for Reconsideration of the Engineers for the Integrity of Broadcast Auxiliary Services Spectrum (“EIBASS”), filed in response to the Federal Communications Commission’s (“Commission’s”) April 6, 2011 Report and Order in the above-captioned proceeding.¹ EIBASS’s requests for relief are unrelated to the Commission’s actions in the *MSS ATC R&O*, and its arguments regarding the use of Big LEO spectrum are without merit. The Commission should deny EIBASS’s petition and once more reject its proposed reconfiguration of the Big LEO band.

In its April 6 *MSS ATC R&O*, the Commission added co-primary Fixed and Mobile allocations to the 2 GHz mobile satellite service (“MSS”) band, and extended its existing “spectrum manager” spectrum leasing rules, policies, and procedures to bands designated for MSS ancillary terrestrial component (“ATC”) operations. In response, EIBASS in its Petition again addresses the status of approximately 100 grandfathered Broadcast Auxiliary Service (“BAS”) facilities in the Big LEO band at 2483.5-2500 MHz. Specifically, EIBASS complains

¹ See EIBASS Petition for Reconsideration, ET Docket No. 10-142 (May 27, 2011) (“Petition”); *Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz*, Report and Order, 26 FCC Rcd 5710 (2011) (“*MSS ATC R&O*”).

that the *MSS ATC R&O* did not acknowledge the existence of these grandfathered BAS licensees, and requests that the Commission issue an order on reconsideration that recognizes the presence of those facilities.² In addition, EIBASS describes interference that was caused to BAS operations in Chicago earlier this year, and asks the Commission to reiterate the obligation of MSS ATC operators to coordinate with BAS licensees and protect those grandfathered facilities from interference.³ Finally, EIBASS urges the Commission to adopt a spectrum “re-farming” proposal originally filed by the Society of Broadcast Engineers (“SBE”), EIBASS’s predecessor organization, in 2004.⁴

As an initial matter, EIBASS’s requests for relief in the Petition are irrelevant to the Commission’s actions in the *MSS ATC R&O*. Neither the addition of new terrestrial allocations in the 2 GHz MSS band nor the application of secondary market policies to MSS ATC spectrum alters the obligation of MSS ATC providers to comply with applicable technical and operational rules for ATC operations, including the obligation to coordinate with and avoid interference to grandfathered BAS facilities in the Big LEO band. Certainly, the Commission’s actions in the *MSS ATC R&O* are entirely disconnected from any consideration of EIBASS’s oft-rejected Big LEO spectrum “re-farming” proposal.

EIBASS attempts to support its requests for relief by pointing to interference to grandfathered BAS systems in the Chicago area, but this isolated example of interference by a temporary, non-ATC operator should not affect the Commission’s spectrum policy in the Big LEO band going forward. This interference was apparently caused by a base station in St. John,

² EIBASS Petition at 3, 5-6.

³ *Id.* at 3-6.

⁴ *Id.* at 6.

Indiana operated by Open Range Communications (“Open Range”),⁵ which, as EIBASS recognizes, has short-term terrestrial authority at 2483.5-2495 MHz pursuant to its own Special Temporary Authority (“STA”).⁶ These terrestrial services are entirely separate and independent from Globalstar’s operations in the Big LEO MSS band, and Open Range’s conduct under this STA is outside of Globalstar’s control and regulatory responsibility. While Globalstar is unaware of the specific facts regarding this instance of claimed interference, such interference could have easily been avoided with timely frequency coordination with BAS operators. Open Range should have followed well-established, reasonable practices and procedures for spectrum coordination. Globalstar itself routinely investigates the need for frequency coordination by utilizing the services of Comsearch and other firms that maintain comprehensive databases of station locations and operating characteristics. Had Open Range sought such assistance, it would have recognized the need to undertake coordination with nearby BAS stations.

Open Range’s alleged failure to take the steps necessary to avoid interference to BAS systems says nothing about Globalstar’s future ATC activities in the Big LEO band. Globalstar is fully aware of its obligation to protect BAS operations from interference under the Commission’s rules and its own ATC authorization, and it intends to comply fully with these

⁵ *Id.* at 3-4.

⁶ This STA was granted to Open Range after the September 2010 suspension of Globalstar’s ATC authority. Once Open Range obtains access to alternative spectrum that it can use to provide service in the markets where it has authority, it will transition to that new spectrum and terminate its operations in the Big LEO band. *See Globalstar Licensee LLC; Application for Modification of License to Extend Dates for Coming into Compliance with Ancillary Terrestrial Component Rules and Open Range; Request for Special Temporary Authority*, Order, 25 FCC Rcd 13114 (IB; WTB; OET 2010); *Open Range Request for Special Temporary Authority*, Order on Reconsideration, 25 FCC Rcd 13383 (IB; WTB; OET 2010); *Open Range Communications, Special Temporary Authority*, Grant of Authority, IBFS File No. SAT-STA-20110106-00003, Report No. SAT-00751 (effective Jan. 20, 2011; rel. Jan. 21, 2011).

requirements.⁷ Globalstar will also take the steps necessary to ensure than any spectrum lessee providing terrestrial service under its MSS ATC authority complies with these obligations and fully protects grandfathered BAS licensees in this band from interference.

Finally, if for some reason the pending spectrum re-farming proposal receives consideration in this proceeding, the Commission should summarily reject that proposal, which would re-pack BAS Channel A10 to the 2474-2486 MHz band segment, eliminate ATC authority at 2483.5-2487.5 MHz, and limit MSS ATC operations to 5.5 MHz of spectrum at 2487.5-2493 MHz.⁸ Contrary to EIBASS's claims, MSS ATC systems and the approximately 100 grandfathered TV BAS facilities operating on Channel A10 can share spectrum and coexist on a co-channel basis at 2483.5-2495 MHz. Given the limited number of grandfathered BAS systems in this band, interference to BAS operations can be minimized through reasonable frequency coordination, as described above. Protecting BAS systems from interference does *not* require the reconfiguration of the Big LEO MSS band, the relocation of BAS Channel A10, or the loss of ATC spectrum. For these reasons, the Commission has repeatedly affirmed the integrity of the existing framework at 2483.5-2500 MHz and rejected this spectrum re-farming proposal.⁹ EIBASS fails to provide the Commission with any reason to revisit these sound decisions.¹⁰

⁷ See 47 C.F.R. § 25.254(a)(3) (requiring that ATC operators in the Big LEO band “take [any] steps necessary . . . through frequency coordination” to avoid causing interference to other services operating on assigned frequencies in the 2450-2500 MHz band). See also *Globalstar LLC – Request for Authority to Implement an Ancillary Terrestrial Component for the Globalstar Big LEO Mobile Satellite Services (MSS) System (Call Sign S2115)*, Order and Authorization, 21 FCC Rcd 398, ¶¶ 27-31 (IB 2006) (noting that BAS licensees operating on grandfathered Channel A10 “are entitled to operate free from harmful interference from ATC operation[s]” and “it is the ATC operator, not BAS licensees, that bears the risk of any difficulty of coordinating base-station operation” in this spectrum).

⁸ EIBASS Petition at 6 & Figure 4.

⁹ See *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands*, Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd 1962, ¶¶ 201-206 (2003) (finding that “ATC base stations

In sum, EIBASS's May 27 Petition for Reconsideration is irrelevant to the Commission's actions in the *MSS ATC R&O*, and, in any event, EIBASS fails to demonstrate that the existing regulatory framework in this band is insufficient to protect grandfathered BAS systems from interference. The Commission should deny the Petition and once again reject EIBASS's proposed reconfiguration of the Big LEO band.

Respectfully submitted,

/s/ L. Barbee Ponder IV

L. Barbee Ponder IV

General Counsel & Vice President

Regulatory Affairs

Globalstar, Inc.

300 Holiday Square Blvd

Covington, LA 70433

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could be operated on selected frequencies so that interference to these fixed and mobile stations could be avoided" and noting that "ATC operators will be required to protect against adjacent-channel and brute-force overload interference to previously licensed users"); *Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands*, Report and Order, Fourth Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 13356, ¶ 75 (2004); *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands*, Memorandum Opinion and Order and Second Order on Reconsideration, 20 FCC Rcd 4616, ¶¶ 93-94 (2005) (confirming that "Big LEO MSS licensees desiring ATC authorization will be able to coordinate with BAS licensees to avoid causing harmful interference to BAS Channel A10"); *Amendment of Parts 1, 21, 73, 74, and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands*, Order on Reconsideration and Fifth Memorandum Opinion and Order and Third Memorandum Opinion and Order and Second Report and Order, 21 FCC Rcd 5606, ¶ 41 (2006) (stating that the Commission had considered "the potential for mutual interference between ATC operations and the grandfathered [BAS] operations in the band, but . . . ultimately determined that these services would be able to share spectrum and that any potential interference concerns could be mitigated through coordination").

¹⁰ Globalstar would not oppose an alternative spectrum re-farming approach that moves BAS Channels A8, A9, and A10 to the 2450-2461 MHz, 2461-2472 MHz, and 2472-2483 MHz band segments, respectively. This alternative re-packing plan would provide BAS licensees above 2450 MHz with bandwidth-sufficient 11 MHz channels while leaving intact the current ATC-authorized band segment at 2483.5-2495 MHz.

Certificate of Service

I hereby certify that on this 25th day of August, 2011, I caused a true and correct copy of the foregoing Opposition of Globalstar, Inc. to be mailed by U.S. mail to:

EIBASS
Attn: Dane E. Ericksen
and Richard A. Rudman
18755 Park Tree Lane
Sonoma, CA 94128

/s/ L. Barbee Ponder IV
L. Barbee Ponder IV